G.M. 1908

22 & 08

Sr. No. 35. 47. & 59

"Application of Mr. G.B. Hebbikar Pro Asst.,
Commissioner claiming confirmation with effect-
from the date on which he completed 2 years
Service calculated from the date of his
1st Appointment."

Previous references.

Police 136 of 05-06 } 53 to 4 of 1 May 06
- 576 of 1 July 06. }
G.P. 12 of 06-07 } 2965 to 70 3 June 07. 1908-9
Pol. 191 - 06-07 } 15 to 22

(Genl. Mis.)

Later references.

G.M. 62-09
Scs 8, 200. Sch: 09
Gm 25-10-25434.
" 39-11-26165

G.M. **File No.** 22-08

Serial Nos. 35, 47 to 59

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 35, 47 to 59

Part B. for May 1909

SUBJECT.

Application of Mr. G.B. Heblikar, Pro. Asst. Commr, claiming Confirmation with effect from the date on which he completed 2 years' service calculated from the date of his 1st appointment.

35. From the D.C Mysore No. 352 of 18.12.08
Submits an application from Mr. G. B. Heblikar Pro. Asst. Commr, claiming Confirmation with effect from the date on which he completed 2 years' service calculated from the date of his first appointment.

47. From the DC Mysore No. 570 of 17.3.09
In Continuation of the above forwards another application from Mr. G.B. Heblikar requesting that he may be Confirmed as Asst. Commr of the 5th class at least with effect from 16.

G. R. S. 58

59. To the Rev. Commr & DC Mysore. No. 6555-56 of 20.5.09.
with reference to the above 2 serials orders that Mr. G.B. Heblikar will be entitled to Confirmation as an Asst. Commr 5th class on 1.6.11 to promotion to the 4th class on 1st June 1911, (according to the Civil Service of 1907, under which he was appointed to the Civil Service)

G.R.S. 11] 190 8.—09

GENERAL AND REVENUE SECRETARIAT.

(Gen. Misc.)

NOTES.

File No. 22

FILE HEADING.

The Mysore Civil Service

From

The Deputy Comr, Mysore.

No. 252 Dated 18.12.05 Received 21.12.05

Diary No. 259 | Enclos. 1 | Spare Copies — | Serial No. 35

BRIEF ABSTRACT OF LETTER.

Submits an application from Mr. S.B. Hebbikar Prob Asstt Comr, claiming confirmation with effect from the date on which he completed 2 years' service calculated from the date of his first appointment.

NOTES AND ORDERS.

S. Hebbikar was appointed Prob. Asstt Supdt of Police in G.O. No. Pol. 136-05-1 dy. 24.3.06 on the following conditions

(i) That he should pass the Elem. Exam. within one year of his appt.

NOTES—First sheet

GPB—30,000—3-4-07.

Serial No.

(ii) That he should be on probation for two years, his pay rising to Rs 200/- during this period by annual increments of Rs 50/-

(iii) That at the end of this prob'y period for the vacancy he became he should be confirmed as Asstt Supdt of Police.

He passed his Rev. Exam'n in Nov'r 1906 & was therefore eligible for confirmation at the end of the probationary period if he had not been terminated to the Civil Service before the termination of this period he should have been confirmed as Asstt Supt of Police with effect from 26-4-1909 by reverting one of the two Acting Asstt Supts at the time viz. Messrs B Ramaswamiah & H C Basavaraja Urs.

Supposing that he had been confirmed in the ordinary course as Asstt Supt & then appointed to the Civil Service on his passing the prescribed tests viz. Kannada & Registration Exam'ns he would have become Asstt Com'r of the 5th class (Schedule B) with effect from 21-7-1908, the date on which the last Kannada Exam'n was held, under Rule XI of the Civil Service Rules of 27-6-07, & been promoted to the 4th class from 21-7-1911.

Under the terms of the order appointing

Passed Rev. Exam'n in 1906

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

him to the Civil Service, however, he has to be on probation for a period of 3 years from 1.6.1907 & would therefore be entitled to confirmation with effect from 1.6.1910, under Rule X of the Civil Service Rules of 27.6.07. which, as expressly stated in the Rules, apply to his case. In this case he will rise to the 2th class of Asst Comrs with effect from 1.6.1911 i.e. a month & 24 days earlier than he would have been admitted to the Civil Service after being first confirmed as Asst Supt of Police.

Mr. Hebbikar represents that in the above case he would have to serve one period of probation at the top of another & requests that he may be confirmed as Asst Comr of the 5th class at the end of two years calculated from the date of his first appointment i.e. with effect from 26.4.1908 (26.4.1906 being the date on which he joined his appt as Asst Supt of Police) Even if his probationary service in the Police Dept should count towards his confirmation as Asst Comr, he would still be ineligible for confirmation with effect from 26.4.1908

* Mr Hebbikar passed the Rev. Exam. in Nov 1906, the Judl " " Nov 1907, & the Revenue Exam. in July 1908.

7C V

I

NOTE—Contn. sheet.

GPB—50,000—18-5 08

Kpk File No. 1 — of 190 x

Serial No.

as ~~per~~ be passed the Kannada Exam^n only in July 1900.

Govt., however, have recently made an exception in the case of M^r. Mirza Ismail in the above respect (vide G.O. No. Pol. 74-00 dt. 16-11-00)

26/1/09

Detached for submission to Secretariat along with certain papers. 27/1

× (Linked file)

GPB—50,000—13-5-06

Serial No.

The case of Mr. Heblikar is in many respects similar to that of Mr. Mirza Ismail. Both were appointed Probationers in the Police Department on similar conditions and both were appointed to the Civil Service as Probationers at the same time.

The case of Mr. Ismail was reconsidered in the light of a representation made by him that by admission to the Civil Service as a Probationer, he was placed in a worse position than he would have been in if he had been confirmed as an Assistant Superintendent of Police. In the result, Mr. Ismail was confirmed as an Assistant Superintendent of Police on 250 Rs with effect from 26th May 1907 under the terms of the order appointing him as a Police Probationer, and he was admitted to the Civil Service on 20. 11. 1908 ~~1908~~ with the direction that he would be eligible for promotion to the 4th class of Asst Commissioners with effect from 26th May 1910. This has placed him in the position of an officer selected from the subordinate (or co-ordinate) ranks who gets the benefit of his service on 250 Rs for counting the period to be put in in the last class of Assistant Commisioners for promotion to the next higher class.

Mr. Heblikar has made a similar representation and urges his claims to be confirmed as an Assistant Commissioner of the 5th class from 26th April 1908 and to be promoted to the 4th class (on 300 Rs) from 26th April 1909. He thus claims a

NOTE—Contn. sheet.

GPB—50,000—18-5 06

Serial No.

much more favourable treatment than that accorded to Mr. Mirza Ismáil. The arguments put forward by him are based upon the application to his case of portions of the terms of his first appointment, the Civil Service rules of 1906 and the Civil Service rules of 1907 in the most favourable manner possible.

X V

It may be observed that Mr. Heblikar's claim even as he puts it forward is to some extent vitiated by the fact that he passed the Kanarese Examination only in July 1908. It also goes without saying that he cannot apply to his case only certain portions of the three sets of rules bearing on the case, selecting the portions in a manner the most favourable to him.

Giving his case a fair and equitable consideration, it is seen that Mr. Heblikar and Mr. Ismail were both appointed to the Civil Service as Probationary Assistant Commissioners in the belief that the course did not prejudice them in any way as compared with their position if they had been dealt with strictly according to the ~~first~~ orders of their first appointments. The question of the relative advantages and disadvantages was not minutely examined at the time, and when it was seen that in Mr. Ismail's case the new arrangement placed him at a disadvantage the omission was rectified by giving effect to the order of his first appointment and bringing him under the Civil Service rules as if the latter had been passed after his confirmation as an Assistant Superintendent of Police. He was not placed in any more advantageous position

NOTE—Contn. sheet.

GPB—50,000—13-5 06

Serial No.

than he would have been in under the terms of that order.

Similarly in Mr. Heblikar's case no greater concession is required or would be justified than to give effect to the first order of his appointment. It would also be undesirable to accord to him any treatment more favourable than that accorded to Mr. Ismail.

His position and emoluments under the two arrangements (1) his continuing as a Probationary Assistant Commissioner as already ordered, and (2) his being confirmed as Assistant Superintendent of Police and brought in under the Civil Service as was done in the case of Mr. Mahomed Ismail are explained below as B & A respectively:

Mr. Heblikar joined his appointment as a Police Probationer on 26th April 1906 and was promoted to 150 Rs per mensem on 26th April 1907. Under the terms of his appointment he would have risen to 200 Rs from 26th April 1908, and as he had passed the necessary departmental tests by that time and as there were vacancies in the Police Department at the time, he would have been confirmed as an Assistant Superintendent of Police on 250 Rs from that date. As he had also passed the departmental tests laid down for Assistant Commissioners, he would have been included in the cadre of the Civil Service as an Assistant Commissioner of the 5th class from 26th April 1908.

He passed the Kanarese Examination in July 1908 but no examination in Kanarese is laid down for officers promoted from the subordinate service.

Under Rule XI of the Civil Service Rules of 1907, he would rise to the 4th class (on 300 Rs) on 26th April 1911.

GPB—50,000—18-5 08

Serial No.

B

As he stands at present as a Probationary Assistant Commissioner from 1st June 1907, he will draw 200 Rs as a Probationary Assistant Commissioner of the 5th class till the 1st June 1910 and will draw 300 Rs from 1st June 1911.

His position and pay under the two arrangements will be clear from the following table and graph.

A.		B.	
100	26-4-06 to 26-4-07 Police Probationer	100	26-4-06 to 26-4-07.
		150	26-4-07 to 1-6-07.
150	26-4-07 to 26-4-08 Police Probationer.	200	1-6-07 to 1-6-10 Proby. Asst. Comr. 5th class ~~200~~.
250	26-4-08. Asst. Supdt. and Asst. Comr. 5th class.	250	1-6-10 to 1-6-11 ~~250~~ Rs.
300	26-4-11. Asst. Comr. 4th class.	300	1-6-11. ~~300~~ Rs

If arrangement A is sanctioned in lieu of B as recommended he will have to refund 50 Rs per mensem from 1st June 1907 to 26th April 1908, but he will get 50 Rs more from 26th April 1908 to 1st June 1910 and his increments thereafter will date from 26th April of the year concerned instead of from the 1st June.

Arrangement A will thus be of greater advantage to him on the whole and as it will also fulfil strictly the terms of his first appointment, arrangement A may be sanctioned in modification of arrangement B.

NOTE—Contn. sheet.

GPB—50,000—18-5-06

Serial No.

In the circumstances Mr. Heblikar may, in modification of the orders already issued, be treated as having continued as a Probationary Assistant Superintendent of Police up to 26th April 1908, and as having been appointed an Assistant Commissioner of the 5th class (on 250 Rs) under Rule XI of the Civil Service Rules of 1907 from 26th April 1908. He may be promoted in due course to the 4th class after three years' approved service in the 5th class

Dewan). 23.2.09. SH. C&B 23/2/09

12039 23-2-09

Dewan's ado

Please consult Financial Secrt place before Council W. 6/3/09

Forwarded to Fin Secy for opinion C&S 6/3/09 SH 8.3.09.

Sub? 9/3/09.

The grade of Asst Supts of Police ceased to exist after the Civil Service rules of 28th June 1906 were passed and the Continuance of Mr. Heblikar

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

as an Asst Supt file 26-4-08 is therefore an arrangement which would result in a departure from the said rules and may also involve an excess over the Scale of officers of the rank of Asst Commrs allowed for the Police Dept. This is the only financial objection to the proposal made in Mr Balasundaram Iyer's note ¶ 1 whether there was such an excess or not during the period in question is a point which has to be ascertained with reference to the no. of officers actually working in that Dept at the time. Even after the issue of the new Civil Service orders there have been ~~cases~~ appointments of Asst Supts (eg. messrs Mirza & AC Balavaraj ICS) and the case of Mr Hebbleton will be one more of that kind.

¶ This aspect of the matter has been noted on in Mr Mirza's case.

Fin Secy)

Initl
17-3-09

Taking all facts into consideration the solution suggested in the Fin. Secy's note of 23.2.09 seems to be fair. It is difficult to bring cases like this under

NOTE—Contn. sheet.

GPB—50,000—18-5-06

Serial No.

strict financial rules (e.g. the adherence to scale) but there is no serious financial objection to the Secretary's proposal—

17/3/09

17.3.9

Seen
17/3/09

A further representation by Mr. Hebbikar has since been received and is herewith submitted:

47 Wr 18/3 From the Dy Comr. Mysore No. 570 dt. 17/3/09.

In continuation of P. 35 above, forwards another application from Mr. S. B. Hebbikar requesting that he may be confirmed as an Asst Comr of the 5th class at least with effect from the 16th Nov 1906.

In his further representation Mr Hebbikar puts forward a claim for confirmation as Asst Comr from 16 Nov 06 - the date on which Mr Syed Zaj. Peeran was confirmed. It is somewhat difficult to follow his argument that his case & that of Mr Syed Zaj Peeran are exactly alike. The case has been sufficiently discussed in my previous note.

Seen

CBB
19/3/09

NOTE—Contn. sheet.

GPB—50,000—18-5-08

Serial No.

Circulated to Council.

20/3/09

Cir
20/3

The suggestion made by the Offg. General Secretary seems quite fair and may be accepted.

Both Mr Ismail and Mr Heblekar were appointed to the public service and to the Mysore civil service on one & the same date and on the same condition. Yet we find Mr Ismail will reach Rs 300 on 26th May 1910 whereas Mr Heblekar will not reach that grade on 26th April 1911. But such inequalities cannot altogether be avoided and as the suggestion now made is concurred in by the Financial Secretary it may be approved

23/3/09

No. The former was appointed in May 1900 & the latter in April 1906 — 31/3/09

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

Hon. C.

1. Please furnish extracts from Confl. reports for 1907 & 1908.

2. "In the process of his training" when Mr Hebbeker "in this charge of a Taluk & do the duties of a Police Inspector till he gains sufficient experience" (Quotation from the order of his appointment of 24 March 06) Ists, please give details - Firstly, Why not?

3. Why was an exam in Kannada not prescribed in the order of 24 March 06?

Asst to Mag

1. Extracts for Dec 1908 put up. Reports for previous yrs not traceable.

2. It does not appear that Mr Hebbeker underwent the training originally contemplated ... Vide also routine note below.

3. It can only be surmised that Mr Hebbeker was believed by the Govt to have a sufficient working acquaintance with the language (which I believe is his vernacular). Or possibly the matter was overlooked, especially as there was no standing order (as in the case of civil servants) requiring the passing of an exam in Kannada in the case of Police Supdts of Police.

Asst to Mag

23/2.4.09

Asst to Mag

Dewan

Please circulate to 2 Councillors & bring up at Council meeting

Dewan

Asst to Mag

NOTE—Contn. sheet.

GPB—50,000—18-5-08

Serial No.

S
4

Mr. Hebbikar was appointed Probationary Asstt Supte by Govt. d. 28 Apl 1906 and joined on 26 Apl 1906. He began to draw a pay of 150 Rs from 1 May 1907. He was taken into the Civil Service from 1 June 1907 along with Mr. M. M. Ismail on a pay of 200 Rs, according to Govt. d. 27 June 1907.

In the case of the latter, the order was modified by a subsequent one which virtually took him outside the Civil Service, and confirmed him as an Asstt Supte on 250 Rs from 23 May 1907. Between the two officers, there was thus a difference in pay of 100 Rs, on 1st June 1907; and so it does not appear to be much of an anamoly if Mr. Hebbikar takes

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

a year more than Mr. Mirza Ismail to reach 300 Rs. The Private Secretary's letter to the Dewan d. 5/8or 1908 seems to show that his case was treated as an exceptional one not meant to be regarded as a precedent.

U (Enclosed File)

I take it that he have to dispose of the Claim according Consider the merits of t rules and orders; and viewing it as a dry legal question, I regret I cannot see any equitable or other considerations to support it. Mr. Heblikar is hardly right when he says that Government were pleased to appoint him as Pr. Asstt Cr "of their own accord" meaning thereby "without giving any solicitation on his part and without leaving him any option"; for I find that in June 1906, a few weeks after his appointment as a Police

NOTE—Contn. sheet.

GPB—50.000—18-5-08

Serial No.

Probationer, he applied for a change to the Revenue Department, and was informed that "under the new Civil Service Scheme Police Officers who duly qualify themselves will be borne on the general list along with officers of the Rev. Department."

V

The order of 27 June 1907, gave Mr. Heblikar an immediate increase of pay by 50 Rs. It gave him all the superior advantages of being a Member of the Civil Service. It was open to him if he did not care for these advantages to represent to Government that he would continue under the old terms. He may or may not have succeeded, but he accepted the new arrangement without demur, and so I think it is too late for him to raise the question

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

in Nov 1908.

His case has therefore to be treated as falling under the Civil Service Rules of 1907 according to the express terms of the order making him an Asstt Commr. He can hardly be said to have been chosen from the lower ranks of the public service for meritorious service, as he had till then been only a probationer. In fact, the terms of the order itself show that he was selected on ~~account~~ of family or other considerations of fitness. Rule X therefore fully applies to his case; and if it is applied, there is no room to grant any of his prayers.

Even supposing that the application of the rules of the Civil Service Scheme causes

NOTE—Contn. sheet.

GPB—50.000—13-5-08

Serial No.

hardship in individual cases, I believe it has been ruled that Govt cannot admit the claims of such persons for exceptional treatment on that account.

Flag A
** e.g. Order on Mr Paramesivayar's representation j. 1986
CS 22-07-4
d. 4 Jan. 1908.

Of course it is open for His Highness the Maharaja to give exceptional treatment to any person where, as in the present case, it does not work any proximate hardship on other members of the service, as promotion from class to class does not depend on vacancies. But whether such treatment is deserved or called for in this case, I am unable to form an opinion.

Notwithstanding the reasons given in Mr. Heblikar's letter, it is difficult to believe that there is any great hardship in his case, and I cannot see how he can complain of any supersession if he is left to be governed by

GPB—50,000—18-5-08

G. R. S. 12]
General and Revenue Secretariat.

File No. 2 of 190 6

20

Serial No.

the Rules of 1907. I think the
is also in error in relying on
Mr. Jaj Peeran's case, as for the latter's
~~Cochran~~ did not grant ~~his~~ re-
quest for confirmation before
the lapse of 2 years.

15 Ap. 1909 H. Manjunadayya

Wdy
Please show
D's remarks to
D's Counsel for
Defendant's purpose
& bring before
Ct meeting 4 Feb 09.

Secy by Defendant's counsel for his
attendance to be informed
of at the next meeting
the 19-4-09 Include in agenda 4/2/09

NOTE—Contn. sheet.

GPB—50,000—13-5-08

C. 241.
24. 3. 09

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

Mr. G.B. Heblikar's request to be confirmed as Assistant Commissioner of the 5th class with effect from 26th April 1908, and his subsequent request to be confirmed at least from the date of the confirmation of Mr. Syed Taj Peeran viz., 16th November 1906.

Circulated to Councillors.

By Order,

Secretary.

23rd March 1909.

T. ANANDA ROW, Esq., B.A.,
First Councillor.

Seen by the Hr.

K. P. PUTTANNA CHETTY, Esq.,
Second Councillor.

Seen

G.R.S. 15]

Facing sheet for Cases included in the schedule appended to Notification No. 36 of the 8th. Aug. 1902.

22

GENERAL AND REVENUE SECRETARIAT.

Subject— Mr. G.B. Heblikar's request to be confirmed as Assistant Commissioner of the 5th class with effect from 26th April 1908, and his subsequent request to be confirmed at least from the date of the confirmation of Mr Syed Taj Peeran Vide 16-11-1906

	Date	Initial of Officer himself or responsible Deputy.
Received in the Secretariat		
Submitted to Secretary		
Submitted by Secretary to Dewan or Councillor in charge		
Returned to Secretary		
Circulated by Secretary for Council ...	20.3.09	
Forwarded by 1st Councillor	30-3-09	arm
Forwarded by 2nd Councillor	16/4/09	
Received in Secretariat		
Considered in Council	23.4.09	
Submitted to the Dewan	28.4.09	
Submitted to His Highness	5/5/09	
Orders passed by His Highness		
Final Orders issued		
Circulated to Councillors		
Passed on by the Councillor		
Returned to Secretary by Councillor...		

GPB—1,000--31-3-06.

478/29.4.09

23.

Extract from the Proceedings of the 227th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 23rd april 1909.

III. Subject. - (Clause v of Schedule).

Mr.G.B.Heblikar's representation with respect to the date of his confirmation as an Assistant Commissioner of the 5th class, Schedule B.

O P I N I O N.

Flag S

Mr.Heblikar was appointed a Probationary Assistant Superintendent of Police on Rs.100 with effect from the 26th April 1906. The terms of his appointment were that

should

should he pass the Revenue Test in the first year and show satisfactory progress he would be promoted to Rs. 150 per mensem at the end of that year and to Rs.200 per mensem at the end of the second year if he continued to give satisfaction. At the end of two years and on the occurrence of a vacancy he was to be made an Assistant Superintendent of Police. Thus under the terms of his appointment, he was required to put in a probationary period of two years (during which it may be added he was expected to undergo certain practical training viz., being in charge of a Taluk and doing the duties of a Police Inspector), and he was to be confirmed thereafter as an Assistant Superintendent on Rs.250 on the occurrence of a vacancy. At the best, therefore, he would have been entitled to draw Rs.250 from the 26th April 1908 and further promotion would be indeterminate. As a matter of fact he got Rs.200 from the 1st June 1907, by reason of his appointment to the Civil Service as a Probationary Assistant Commissioner, Schedule B under the Rules of 1907. This was at the time a distinct advantage to him in that he reached Rs.200 fully a year before it was due to him under the terms of his original appointment; and it is not open to him now to raise the question of what his prospects might have been had he continued as a Probationary Assistant Superintendent of Police and to claim promotion in the Civil Service accordingly.

This, by the way he did not undergo.

Mr.Mirza Ismail's case is an exceptional one and cannot be taken as analogous; while Mr.Taj Peeran's case does not apply at all, as that officer who was a Probationary Extra Assistant Commissioner, did not complete his tests within the year of probation, and was therefore compelled to put in another year.

Mr.Heblikar claims that the period of probation put

in by him as Police Probationer should be taken as equivalent to the period of probation required for confirmation as Assistant Commissioner. This claim, however, cannot be entertained, first, because he cannot be regarded as having been admitted to the Civil Service from the subordinate grades of the public service, having been a mere probationer at the time, and secondly, because the nature of the probation required in either case is different. In the case of the Probationer under the Civil Service Rules, a greater variety of examinations is insisted on, and the training given covers a larger ground (comprising as it does, Accounts, Revenue Survey, Equitation etc).

Mr. Heblikar's case may therefore be left to be governed strictly by the Rules of 1907 under which he was appointed to the Civil Service. According to these he would be entitled to confirmation as Assistant Commissioner, 5th class on Rs.250 on 1st June 1910, and to promotion to the 4th class on Rs.300 on 1st June 1911.

Sd. T. Ananda Rau,
Dewan of Mysore.

"Extract"

M. Venkatasubbiah
Secretary to Govt.

Submitted to His Highness.

These papers relate to the confirmation of . G.B. Heblikar as Assistant Commissioner. Mr.Heblikar was originally appointed a Probationary Assistant Superintendent of Police with effect from 26th April 1906 on the understanding that if he passed certain examinations and gave satisfaction in his work, he was, after the expiry of two years of probation, and on the occurrence of a vacancy, to be appointed Assistant Superintendent of Police; but before he could complete the probationary period, he was nominated as Probationary Assistant Commissioner under the Civil Service Rules of June 1907, with effect from the 1st June 1907. Under these rules, Mr. Heblikar would have to put in a service of four years in the 5th class of Assistant Commissioners, viz., 3 years of probation on Rs.200 and 1 year on Rs.250, after which he would be entitled to Rs.300. That is to say, he will rise to Rs.250 on the 1st June 1910 and to Rs.300 on 1st June 1911.

2. Mr. Heblikar now claims that as there were vacancies in the grade of Assistant Superintendents of

27

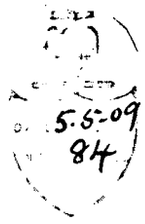
Police on the 26th April 1908, the date on which he would have completed two years as Probationary Assistant Superintendent of Police according to the original understanding, he may be given a pay of Rs.250 from that date, and that his subsequent promotions may be regulated by the Civil Service Rules of June 1907. In a subsequent application, he has requested that he may be confirmed (and given the pay of Rs.250) from the 16th November 1906, the date on which he completed his tests and be treated as taken to the Civil Service from that date under the rules of June 1906.

3. These representations have been considered in Council, and, for the reasons given in the accompanying Resolution, the Council is of opinion that Mr. Heblikar's case should be governed strictly by the rules of 1907 under which he was appointed to the Civil Service. This may be approved.

4 May 09

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.



Representation of Mr.G.B.Heblikar, with respect to the date of his confirmation as an Assistant Commissioner.

892

Order.

I agree with the Dewan

~~KRW~~
8/5/09

181
11/5/09

Seen
12 May 09

Seen
13/5/09

Seen
13/5/09

Please put up papers on the line of the draft submitted
13/5/09

G. R. S. 12]
General and Revenue
Secretariat.

For File No. 22, of 1908.

Serial No.

3953

Draft asstt — Done
14.5.09

59 965 55-56 of 20-5-09: To the Rev. Comr & the Dy. Comr. Mysore: with ref to 8 & 47, states that Mr G. B. Hebbikar will be entitled to confirmation as an asstt. Comr of the 5th class on 1st June 1[illegible] & to promotion to 4th Class on 1st June. 19[illegible]

NOTE—Contn. sheet.

N.T. Reg 21/12

1908-09

From D.2577 1

The D.C. Commissioner
Mpume District

To

The Secretary to the
Govt of Mpume Gualtheria
& ors

Dated 18th
Despatched 19th } December
Received 1908

General No. 352
No.

Enclosure No. 1

Fw. 22-00
gl. 35

Submitting for
favorable Consideration
of Government
herewith the applica-
tion of Mr. G. B Hebblethwaite
Probationary Asst Commr

2

No.
Enc. No.

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,
Dated Mysore Camp 18th December 1908.

To
K. S. Chendrasekharaiya Esq., B.A. B.L
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

I have the honor to submit herewith for favourable consideration of Government the application of Mr. G. B Nelkikar Probationery Assistant Commissioner in charge of the District Treasury Mysore praying that he may be confirmed at the end of 2 years from his first appointment as per Civil Service Rules under which he was nominated. In my opinion his prayer seems quite reasonable. In the short time he has been in this District he has rendered approved service.

I have the honor to be
Sir
Your most obedient Servant

Deputy Commissioner
Mysore District

The Rev Comr in Mysore

CR 1908 3

From
Mkantaraj Urs Esq B A
Deputy Commissioner
Mysore Dist

To
KS Chendrasekhara Ayyr Esq
B A B L
Secy to the Govt of Mysore
Elx Rev Depart

Dated 1st December 1908.
Despatched

Received

General No. 299
No.

Enclosure No. 1

Submits for favourable consideration, the application of Mr. G B Heblikar Pro: Asst Comr praying for confirmation in the grade of Asst Comr.

Office of the Revenue Commissioner
in Mysore,
Dated Bangalore The 4th December 1908
5th

Memo. No. 5786 / 5 / 4-12-08

D No. 2362

Forwarded to the Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Departments.

J Ramaswamy

For Revenue Commissioner

MKS 4/12/08

From The Revenue Commissioner in Mysore

4

No.
Enc. No.

OFFICE OF THE Dy Commissioner

MYSORE DISTRICT,

Dated Mysore Camp 1st December 1908.

To

K. Shendrasekhara Ayyr Esq., B.A., B.L.,

SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

I have the honor to submit herewith for favourable consideration of Government, the application of Mr G.B. Hebbikar, Probationary Assistant Commissioner in charge of the District Treasury, Mysore praying that he may be confirmed in the grade of Assistant Commissioners. He may be confirmed as in the case of Mr Syed Taj Peran from the date on which he completed his 2 years service as Probationer as he has fully qualified himself for the same.

I have the honor to be,

Sir
Your most obedient Servant

Dy Commissioner
Mysore District

D.O. 1948
30/11/08.

5

From

G.B. Heblikar Esqr., B.A. L.L.B.
Probationary Assistant Commissioner
in charge of the District Treasury
M y s o r e.

28/11

TO

M. Kantharaja Urs Esqr., B.A.
Deputy Commissioner,
Mysore District,
M y s o r e.

M Y S O R E.
25th November 1908

S i r,

I beg to place before you the following few lines for your kind consideration and submission to Government with such remarks as the case may seem to merit.

I was appointed a Probationary Assistant Superintendent of Police on 24th March 1906 (Government Proceedings NO.2556-136-1). The Government Order stated that I would be confirmed at the end of two years provided (1) that I gave satisfaction in my work (2) that I passed the Local Service Revenue Examination in the course of the first year and (3) that there was a vancancy in the cadre of Assistant Superintendents. As to the first condition I beg to state that Mr. Carr the then Inspector General of Police recommended me suo motu for the first increment which warranted the ~~influence~~ inference that he approved of my work. I fulfilled the second condition by completing all the tests prescribed for Assistant Commissioners at the first opportunity open to me. As to the third condition I beg to point out that five vancancies occurred in the Police Department after I joined it and of these two have not yet

yet been filled up the acting officers being informed more than once that they could not be confirmed till they had passed all the tests. As I had passed them I could lay preferential claims in consequence. I am thus fully qualified for and entitled to confirmation at the end of two years calculated from the date of my appointment. In June 1907 Government were pleased of their own accord to appoint me a Probationary Assistant Commissioner.

Soon after my appointment the Revenue and Police Departments were amalgamated under the new Civil Service Rules which were modified in 1907 to equalize the pay and prospects of all persons admitted into the Civil Service. As the order of my first appointment and the rules of 1906 under which I was not brought at any time and of 1907 would assign to me different places in the cadre of Assistant Commissioners it has to be deduced from the order of my first appointment and the rules now in force. Since the inclusion of my name in the Civil Service I have been under the honest belief that Government had taken the view which I have taken of my case and therefore did not raise any question about my confirmation till now. As the result of the Kanarese Examination was announced only recently I could not have raised the question with propriety before had any doubts existed in my mind as failure to pass that examination would necessarily have deferred my confirmation.

My case can be decided in one of the following ways only:-

(1) to treat my probationary period of two years as subordinate service and then to confirm me as an Assistant Commissioner of the fifth class. In this I shall rise to the fourth class after three years' service in this class. I would most respectfully point out that Government have themselves stated that I was not in the subordinate service at the time of my appointment as Probationary Assistant Commissioner in the Press Communique issued about that time

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time regarding nominations to the Civil Service. Besides whether as Probationary Assistant Superintendent or Assistant Commissioner, I was qualifying for the same appointment and have held all the time Gazetted appointments which are declared by Government Order NO.143-53 Revenue 69 dated Bangalore 6th July 1895 to be-long to parallel grades of public service entitling the officers therein to co-ordinate rank and status as between themselves and to promotion to higher grades. This Government Order has not only not been cancelled but on the other hand has been entirely given effect to, by the new Civil Service scheme. Further part of the two years has been spent in the last class of Assistant Commissioners. Consequently no portion of this period can be deemed to be subordinate service.

2. To require three years' probation from the date of my first appointment under the rules of 1907 and then to promote me to the fourth class after one year's service. This would be exceeding the period of probation laid down for me by one year for no fault of mine. If I am found wanting I may be tried any further length of time but that I have not put in the three years of probation required by the new rules would not seem to be an equitable ground for putting off my confirmation. I submit that rules which came into force after my appointment and avowedly with the object of equalizing the pay and prospects of all the members of the Civil Service should not be made to effect me retrospectively to my prejudice. Mr. Syed Taj Peeran was confirmed on his passing the prescribed examinations according to the terms of his appointment as a probationer even though he had not put in the full two years of probation required by the rules in force at the time of his confirmation.

(3 & 4). To confirm me with effect from the end of the first year (under NO. 2951-9 R.958 dated Bangalore 9th

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October 1900) or like Mr. Syed.Taj Peeran from the date I fully qualified myself viz, 16th November 1906. To effect this the rules of 1906 would have to be revived. Besides Government have decided that my promotion to higher classes would be regulated by the rules of 1907.

5. To confirm me in accordance with the promise made to me in the first Government Order from the end of two years calculated from the date of my first appointment and subject my promotion to the higher classes to the rules regulating to persons directly nominated to the Civil Service. It has been already shown above that I was not selected from the subordinate service.

I most respectfully beg to point out that I have a claim to be confirmed in this last way for probationers who have fully qualified themselves for appointments in the public service are being confirmed according to the terms of their appointment as probationers. It might be said that I would be made an Assistant Superintendent but kept out of the cadre of Assistant Commissioners if I insisted on my confirmation on the expiry of the two years. I may be permitted to point out that I have been assured by a Government Order that under the new Civil Service scheme my name would be borne on the general list of Assistant Commissioners on my fully qualifying myself. If it is thought that my claims for confirmation and promotion have to be considered along with the claims of the officers admitted into the Civil Service under the rules of 1906 I beg to point out that under those rules all persons admitted into the Civil Service had to pass all the tests before they could be allowed to count their service for promotion to the next higher class, the time taken by them to qualify themselves being treated as probationary period. (Vide Rule X of the Civil Service Rules of 1906). It will be observed that I shall have to put in not less than three years' service before I could be promoted to the 4th class and so it cannot be said that I would take less time to rise

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to that class than I should for originally I was to be confirmed in a cadre in which promotions depended on vacancies and not on efflux of time. It would be idle to speculate upon what my pay and prospects would have been had the rules remained unchanged for transfers from the Police to the Revenue and other Departments were very frequent and promotions in it consequently very rapid. In fact I am not aware of any instance in which an Assistant Superintendent of the last class took as many as eight years to rise to the first class of Superintendents. On the other hand there is at least one instance of an Assistant Superintendent of the last class rising to the first class of Superintendents in less than 4 years. I hope it will thus be seen that my claim to be allowed to rise to the first class after a service of not less than 12 years just like other Assistant Commissioners is not extravagent.

In conclusion I venture to express the hope that taking all the above facts into consideration Government will be pleased to recognize the justness of my claims and consider my prayer favourably.

I b e g t o r e m a i n

S i r,

Your most obedient Servant,

G.B.Hebbikar

Vy 1813 Calcutta (Govt)

10

1908. 09

From D3953
Mr. D. Commissioner
Mysore & the C.

To
The Secretary to the
Govt of Mysore
General & Rev. Dept

Dated 17th
Despatched } March
Received

Bangalore

General No. 570.
No.

Enclosure No 1

Fin. 22-08
8.47

Submitting
for favor of Govt
order thereon
upon in return Con
-firmation of
Mr. G. B. Bebbikar
Probationary Asst
Commissioner as
Assistant Commr.

No.
Enc. No.

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,
Dated Mysore Camp 17th March 1909.

To

C.S.Balasundaram Iver Esq., B.A.,
Offg SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

In continuation of my letter NO.352 dated 19th De December 1908, I have the honor to submit in original for favourable consideration of Government another application from Mr.G.B.Heblikar Probationary Assistant Commr in charge of the Mysore Division praying, in further elucidation of his former application, for his confirmation as an Assistant Commissioner with effect from the date on which the period of his probation ends or if it is not possible, at least from the date of confirmation of Mr.Syed Taj Peran as an Assistant Commissioner Viz from 16-11-1906, and to state that the prayer is reasonable and has my support.

I have the honor to be,
Sir,
Your most obedient servant.

Deputy Commissioner,
Mysore District.

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Office of the Apistant Commr.
Mysore Division, Dated,
Mysore 16th March 1909.

No. 3297/143

From,

Mr. G. B. Hebbikar B.A. & L.L.B.
Probationary Apistant Commr.,
In Charge of Mysore Sub-Division,
Mysore.

To,

M. Kantha Raj Urs B.A. B.A.
Deputy Commissioner,
Mysore District.

Sir,

I submitted to Government through you an application for my confirmation as Apistant Commissioner on the 25th November 1908. As no orders have yet been passed I beg to request you to kindly submit this to Government for

for kind consideration.

I apprehend that my application has given rise to some misconception as to my prayer and therefore beg to supplement it with other reasons. to render my prayer perfectly clear. I may at the outset observe that I was not brought under the Civil Service Rules of 1906. I most respectfully point out that the Government order directing that Mr. Mirza M. Ismail should be promoted to the 4th Class after three years' service on Rs 250/- is not applicable to my case. The decision seems to have been arrived at without reference either to the Civil Service Rules of 1906 or of 1907 probably on the score of his not having passed

all

all the prescribed tests and consequently not being entitled to confirmation as an Asistant Commissioner under the Civil Service Rules. If Government direct that the same order applies to me too I shall be the only fully qualified Asistant Commissioner who took five years to rise to the fourth class. Besides Officers who are now admittedly my juniors e.g. Mr R. Madhava Rao and Mr S. Shamanna would supercede me. I hope Government do not contemplate such undeserved supercessions for no fault of mine. As I have passed the prescribed tests at the first opportunity open to me and am in the Civil Service the Civil Service Rules have to be made applicable

We cannot regard his two years' probation as part of his probation under the Rules.

Since when?

to me. The first question that arises is whether my service as Probationary Apistant ~~Commissioner~~ Superintendent is subordinate service or service that counts towards the period required for confirmation as Apistant Commissioner. If that Service is deemed subordinate Service I would humbly point out that I should be made an Apistant Commissioner on Rs 250/- from 1st June 1907, under Rule II (2) (a) of the Rules of 1907 and not a Probationary Apistant Commissioner. But if this view is taken by Government I respectfully submit that I would be entitled to confirmation from the date I fully qualified myself

Vide

viz 16th November 1906 (under Rule X of the Civil Service Rules of 1906) and not 1st June 1907. Mr. Syed Zaj Accram was confirmed under this Rule though he had not put in the full two years probation required by the Rules in force at the time of his confirmation. But my humble opinion is that the other view is the correct one viz that the Service as Probationary Assistant Superintendent counts towards the period required for confirmation as Assistant Comms. It will be seen from my application

that

that I claim confirmation at the end of two years calculated from the date of my first appointment and promotion to the 4th class at the end of the third year, On the ground that the first order of my appointment stated that I would be confirmed at the end of two years if a vacancy existed. I have already pointed out that out of the five vacancies which occurred in the Police Department after my appointment one would have been given to me for when out of the five three were permanently filled up Government were pleased to pass a Government order to the effect that the confirmation

of

of these three officers would not interfere with my prospects. The number of appointments in the Police Department is 10. Before the amalgamation of Police with the Revenue Department the appointments in the Police Department were 2 on Rs 450/-. 3 on Rs 350/-. 3 on Rs 300/- and 2 on Rs 250/-. Had the Police Department continued as a seperate branch of the Public Service I would have been drawing a pay of Rs 300/- since the appointment of Mr. K. Subbarao as Vice President, I would have been appointed on Rs 250/- before and promoted at the time of the transfer of

of Mr. Subbarao. It will be seen from what I have stated that if my prayer is granted in full I shall be given what I am rightly entitled. But if Government find it impossible for any reason to shorten my period of probation I pray that I may be confirmed from the same date viz 16th November 1908? 1906 as Mr. Syed Tajbar as his case and my case are exactly similar.

I trust that my claims on the kindness of Government will not be overlooked and that my prayer will be considered favourably.

I have the honor to remain,
Sir,
Your most obedient Servant
G. Krishnamachar.

G.R.S. 261

File No. 22-08

Serial No. 59

Diary No. of letter replied to 3953

No. 6555-56

General and Revenue Secretariat

( )

, *the* 190

Date of issue 20.5.09

Signed by Mr C.S. Bates

To

Read.

Letters nos. 299 dt 1st Dec 08
352 dt 19 Dec 08, and 570 dt
17 March 09 from the Dy Commr
of the Mysore Dt forwarding
for favourable consideration
certain representations made
by Mr G. B. Heblikar. Probl
Asst Commr, Schedule B,
regarding the date of his
confirmation as an Asstt
Commr of the 5th class.

Order thereon.

Mr G. B. Heblikar was
appointed a Probationary
Asstt Supdt of Police on 10th

over.

SUBJECT.

with effect from the 26 April 1906. The terms of his appointment were that if he passed the Revenue examination in the first year and showed satisfactory progress he would be promoted to 150 Rs at the end of that year and to Rs 200 per mensem at the end of the second year if he continued to give satisfaction. At the end of two years and on the occurrence of a vacancy he was to be made an Asstt. Supdt of Police.

Thus under the terms of his appointment, he was required to put in a probationary period of two years, during which he was expected to undergo certain practical training by being put in charge of a taluk and made to do the duties of a police inspector, and he was to be confirmed

(which by the way he did as a matter of fact undergo)

Copied by

Examined by

GPB—3,000—1-3-07

G.R.S. 27].

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

thereafter as an Asstt Supdt on Rs 250 on the occurrence of a vacancy. At the best, therefore, he would have been entitled to draw Rs 250 from the ~~1st June~~ 26 April 1908 ~~1907~~ and further promotion would have been indeterminate. But as a matter of fact he got Rs 200 from the 1st June 1907, by reason of his appointment to the Civil service as a Probationary Asstt Commr, schedule B, under the ~~Act~~ Civil Service Rules of 1907. This was at the time a distinct advantage to him in that he reached Rs 200 ~~fully~~ nearly a year before it was due to him under the terms of his original appointment; and it is not open to him now to raise the question of what his prospects might have been had he continued as a Probationary Asstt Supdt of Police and to claim promotion in the Civil Service accordingly. ~~4~~ 2. The cases of Mr Murza Ismail & Mr Syed Taj Beeran referred to

P 2

GCPB—30,000—5-4-05.

by Mr Heblikar have no bearing on his case. Mr Ismail's case was an exceptional one and cannot be taken as analogous to the present case. Mr Syed Raj Pervais case ~~has~~ does not ~~that~~ apply at all, as that officer who was a probationary extra asst Commr, did not complete his test within the year of probation and was therefore compelled to put in another year.

3. Mr Heblikar claims that the period of probation put in by him as Police probationer should be taken as equivalent to the period of probation required for confirmation as asst Commr. His claim, however, cannot be entertained, first because he cannot be regarded as having been admitted to the Civil Service from the subordinate grade of the public service, having been a mere probationer at the time, and secondly because the nature of the probation required in either case is different. In the case of the Probationer under the Civil

GENERAL AND REVENUE SECRETARIAT

(*Continuation Sheet draft form.*)

Service rules, a greater variety of examinations is insisted on, and the training given covers a larger ground, comprising as it does, Accounts, Revenue Survey Equitation &c.

4. On a consideration of all the circs of the case Govt are of opinion that in Hebbikari case may be left to be governed strictly by the Civil Service Rules of 1907 under which he was appointed to the Civil Service. According to these he will be entitled to confirmation as an Asst Commr 5th class on 250 Rs on 1st June 1910 & to promotion to the 4th class on Rs 300 on 1st June 1911, subject in each case to his rendering approved service.

14-5

Secy

CM 14/5

Rev Commr to prepare

Dr Commr requested for communication to in Hebbikari

MGCPB—30,000—5-4-05.